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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 vs.)

11 MAURICE DONNELL COOPER,)

12 Defendant.)
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2:07-CR-0066 JCM (GWF)
Related Case 2:09-CV-1764 JCM

15 **ORDER**

16 Presently before the court is a motion for a status check filed by defendant Maurice Donnell
17 Cooper. (Doc. # 106). Also before the court is defendant's motion for excusable neglect. (Doc. #
18 108).

19 In the instant motions, defendant claims that he was not notified regarding the court's May
20 6, 2013, order denying his motion for reconsideration until June 29, 2014, and did not receive a copy
21 of the order until July 11, 2014. Defendant states that if he had been informed of the order upon its
22 issuance, he would have filed a timely appeal to the Ninth Circuit. Defendant requests the court
23 declare that the delay was a result of "excusable neglect." (Doc. # 108, p.2).

24 The court currently lacks jurisdiction over the matters addressed in defendant's motions, as
25 he has filed a notice indicating he has appealed the court's denial of his motion for reconsideration
26 to the Ninth Circuit. (Doc. # 107).

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1 Indeed, “Once a notice of appeal is filed, the district court is divested of jurisdiction over the
2 matters being appealed.” *Natural Res. Def. Council, Inc. v. Sw. Marine, Inc.*, 242 F.3d 1163, 1166
3 (9th Cir. 2001). “This rule is judge-made; its purpose is to promote judicial economy and avoid the
4 confusion that would ensue from having the same issues before two courts simultaneously.” *Id.*

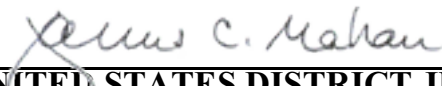
5 Thus, the court will deny defendant’s motions without prejudice.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s motion for a
8 status check, (doc. # 106), be, and the same hereby is, DENIED without prejudice.

9 IT IS FURTHER ORDERED that defendant’s motion for excusable neglect, (doc. # 108),
10 is DENIED without prejudice.

11 DATED July 25, 2014.

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15 UNITED STATES DISTRICT JUDGE
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